

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 29 2015 ★

BROOKLYN OFFICE

UNITED STATES OF AMERICA,

**MEMORANDUM &
ORDER**
15-CR-112

-against-

WILLIAM GROTH,

Defendant.

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Jack B. Weinstein U.S. Senior District Judge:


By memorandum and scheduling order, on June 26, 2015, the court denied defendant's motion to dismiss the superseding indictment and set the case for trial on October 5, 2015.

The parties were requested to brief the effect, if any, of *Johnson v. United States*, No. 13-1720, 2015 WL 2473450 (U.S. June 26, 2015).

The court has reviewed defendant's supplemental brief of July 20, 2015, and the government's letter of the same date. No oral argument is needed.

Denial of the motion to dismiss is reaffirmed. *Johnson* dealt with a test of criminality less precise than that in the Analogue Act. It does not control the instant case. The case shall be tried as scheduled.

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Date: July 29, 2015
Brooklyn, New York

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